

AMENDED IN ASSEMBLY JUNE 22, 2006

AMENDED IN SENATE JULY 11, 2005

AMENDED IN SENATE JUNE 20, 2005

SENATE BILL

No. 1040

Introduced by Senators Dunn and Hollingsworth

February 22, 2005

An act to amend Section 68120 of the Education Code, relating to public postsecondary education, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as amended, Dunn. Public postsecondary education: fees and tuition: waiver: survivors of deceased law enforcement and firefighting personnel.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, or who was a contractor, or who was an employee of a contractor, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who was killed in the performance of those duties. ~~This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.~~

~~This bill would add~~

Under existing law, a surviving stepchild living or domiciled with the deceased person at the time of his or her death to the categories of survivors for whom the waiver of mandatory systemwide fees or tuition is authorized by this provision. The bill would also require any surviving dependent child, as defined, to be or at any time while that stepchild was a minor, and claimed on the a tax form most recently filed by or on behalf of the deceased person prior to his or her death in order to qualify also qualifies for the waiver of mandatory systemwide fees or tuition.

This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would instead require that, to be eligible for the waiver of mandatory systemwide fees or tuition under this provision, a surviving stepchild live or be domiciled with the deceased person at the time of his or her death. The bill would also require that the surviving stepchild be claimed on the tax form most recently filed by the deceased person prior to that person's death, or receive 50% or more of his or her support from that deceased person in the tax year immediately preceding the death of the deceased person, or both.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 68120 of the Education Code is
- 2 amended to read:
- 3 68120. (a) Notwithstanding any other provision of law, no
- 4 mandatory systemwide fees or tuition of any kind shall be
- 5 required of or collected by the Regents of the University of
- 6 California, the Board of Directors of the Hastings College of the
- 7 Law, or the Trustees of the California State University from any
- 8 surviving spouse or surviving child of a deceased person who
- 9 met all of the following requirements:
- 10 (1) He or she was a resident of this state.
- 11 (2) He or she was employed by a public agency, or was a
- 12 contractor, or an employee of a contractor, performing services
- 13 for a public agency.

1 (3) His or her principal duties consisted of active law
2 enforcement service or active fire suppression and prevention.
3 This section shall not apply to a person whose principal duties
4 were clerical, even if he or she was subject to occasional call or
5 was occasionally called upon to perform duties within the scope
6 of active law enforcement or active fire suppression and
7 prevention.

8 (4) He or she was killed in the performance of active law
9 enforcement or active fire suppression and prevention duties, or
10 died as a result of an accident or an injury caused by external
11 violence or physical force, incurred in the performance of his or
12 her active law enforcement or active fire suppression and
13 prevention duties.

14 (b) Notwithstanding subdivision (a), a person who qualifies
15 for the waiver of mandatory systemwide fees and tuition under
16 this section as a surviving child of a contractor, or of an
17 employee of a contractor, who performed services for a public
18 agency shall, in addition to the requirements set forth in
19 subdivision (a), meet both of the following requirements:

20 (1) Enrollment as an undergraduate student at a campus of the
21 University of California or the California State University.

22 (2) Documentation that his or her annual income, including the
23 value of any support received from a parent, does not exceed the
24 maximum household income and asset level for an applicant for
25 a Cal Grant B award, as set forth in Section 69432.7.

26 (c) As used in this section:

27 (1) “Contractor” or “employee of a contractor” does not
28 include a security guard or security officer, as defined in Section
29 7582.1 of the Business and Professions Code.

30 (2) “Public agency” means the state or any city, city and
31 county, county, district, or other local authority or public body of
32 or within the state.

33 (3) “Surviving child” means either of the following:

34 (A) A surviving natural or adopted child of the deceased
35 person.

36 (B) A surviving stepchild ~~of the deceased person who, at the~~
37 ~~time of the death of that deceased person or at any time while~~
38 ~~that stepchild was a minor, was living or domiciled with that~~
39 ~~deceased person and claimed on a tax form filed by or on behalf~~

1 of that deceased person who meets both of the following
2 requirements:

3 (i) He or she was living or domiciled with the deceased person
4 at the time of his or her death.

5 (ii) He or she was claimed on the tax form most recently filed
6 by the deceased person prior to that person's death, or he or she
7 received 50 percent or more of his or her support from that
8 deceased person in the tax year immediately preceding the death
9 of the deceased person, or both.

10 SECTION 1. Section 68120 of the Education Code is
11 amended to read:

12 68120. (a) Notwithstanding any other provision of law, no
13 mandatory systemwide fees or tuition of any kind shall be
14 required of or collected by the Regents of the University of
15 California, the Board of Directors of the Hastings College of the
16 Law, or the Trustees of the California State University from any
17 surviving spouse or surviving dependent child of a deceased
18 person who met all of the following requirements:

19 (1) He or she was a resident of this state.

20 (2) He or she was employed by a public agency, or was a
21 contractor, or an employee of a contractor, performing services
22 for a public agency.

23 (3) His or her principal duties consisted of active law
24 enforcement service or active fire suppression and prevention.
25 This section shall not apply to a person whose principal duties
26 were clerical, even if he or she was subject to occasional call or
27 was occasionally called upon to perform duties within the scope
28 of active law enforcement or active fire suppression and
29 prevention.

30 (4) He or she was killed in the performance of active law
31 enforcement or active fire suppression and prevention duties, or
32 died as a result of an accident or an injury caused by external
33 violence or physical force, incurred in the performance of his or
34 her active law enforcement or active fire suppression and
35 prevention duties.

36 (b) Notwithstanding subdivision (a), a person who qualifies
37 for the waiver of mandatory systemwide fees and tuition under
38 this section as a surviving dependent child of a contractor, or of
39 an employee of a contractor, who performed services for a public

1 ~~agency shall, in addition to the requirements set forth in~~
2 ~~subdivision (a), meet both of the following requirements:~~

3 ~~(1) Enrollment as an undergraduate student at a campus of the~~
4 ~~University of California or the California State University.~~

5 ~~(2) Documentation that his or her annual income, including the~~
6 ~~value of any support received from a parent, does not exceed the~~
7 ~~maximum household income and asset level for an applicant for~~
8 ~~a Cal Grant B award, as set forth in Section 69432.7.~~

9 ~~(e) As used in this section:~~

10 ~~(1) “Contractor” or “employee of a contractor” does not~~
11 ~~include a security guard or security officer, as defined in Section~~
12 ~~7582.1 of the Business and Professions Code.~~

13 ~~(2) “Public agency” means the state or any city, city and~~
14 ~~county, county, district, or other local authority or public body of~~
15 ~~or within the state.~~

16 ~~(3) “Surviving dependent child” means a natural or adopted~~
17 ~~child of the deceased person, or a stepchild living or domiciled~~
18 ~~with the deceased person at the time of his or her death, who was~~
19 ~~claimed on the tax form most recently filed by the deceased~~
20 ~~person prior to his or her death.~~

21 ~~SEC. 2. This act is an urgency statute necessary for the~~
22 ~~immediate preservation of the public peace, health, or safety~~
23 ~~within the meaning of Article IV of the Constitution and shall go~~
24 ~~into immediate effect. The facts constituting the necessity are:~~

25 ~~In order to prevent imminent hardship to students who are~~
26 ~~deserving of the waiver of mandatory systemwide fees and~~
27 ~~tuition that is provided by Section 68120 of the Education Code,~~
28 ~~it is necessary that this act take effect immediately.~~